

1 ERIK BABCOCK (Cal. 172517)
2 LAW OFFICES OF ERIK BABCOCK
3 717 Washington St., 2d Floor
4 Oakland, CA 94607
(510) 452-8400 Tel
(510) 452-8405 Fax

5 Attorney for Defendant
6 ANTHONY McGEE

7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
10 UNITED STATES OF AMERICA,

No. CR 12-00052 EMC

11 Plaintiff,

12 v.

**STIPULATION AND PROPOSED
ORDER CONTINUING STATUS
HEARING**

14 ANTHONY McGEE,

15 Defendant. /

16 The above-captioned matter is set on February 29, 2012 before this Court for status. The
17 parties request that the Court continue the hearing to March 14, 2012 at 2:30 p.m. and that the
18 Court exclude time under the Speedy Trial Act between February 29, 2012 and March 14, 2012.
19

20 Defendant was charged on January 19, 2012 in a complaint alleging a violation of 18 U.S.C.
21 section 922(g)(felon in possession of a firearm). On January 23, 2012 the court appointed the
22 Federal Defender's Office to represent Mr. McGee. On January 26, 2012 an indictment was filed.
23 On February 15, 2012, the Federal Defender was relieved as counsel, and on February 17, 2012 the
24 court appointed Erik Babcock to represent Mr. McGee.
25

26 Mr. Babcock is scheduled to be out of town and is unavailable for court from February 29,
27

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1 2012 through March 1, 2012. He also needs time to be cleared by the U.S. Marshal before the
2 Alameda County Sheriff's Department will allow counsel to visit with Mr. McGee at the Glen Dyer
3 Detention Facility.

4 Accordingly, it is hereby stipulated between the parties that the status hearing currently
5 scheduled for February 29, 2012 may be continued to March 14, 2012 at 2:30 p.m.
6

7 It is further stipulated that time should be excluded from the signing of this order through and
8 including March 14, 2012, for the following reasons: the parties stipulate and agree that based on
9 Mr. McGee's defense counsel's need to have adequate time to effectively prepare for trial in this case
10 it is unreasonable to expect adequate preparation for trial unless trial is continued to the date
11 requested, within the meaning of 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The parties further agree
12 that a continuance until March 14, 2012 is necessary to allow for continuity of Mr. McGee's counsel
13 under 18 U.S.C. § 3161(h)(8)(B)(iv).

14 Accordingly, the United States and the defendants agree that granting the requested exclusion
15 of time under the Speedy Trial Act will serve the interests of justice and outweigh the
16 interests of the public and defendant in a speedy trial within the meaning of 18 U.S.C. §
17 3161(h)(8)(A) and (B)(iv).

18 **SO STIPULATED.**

19
20 Dated: February 24, 2012

21
22 /s/Robert David Rees
23 ROBERT DAVID REES
24 Assistant United States Attorney
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26
27

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1 Dated: February 24, 2012

/s/Erik Babcock
ERIK G. BABCOCK
Attorney for Defendant

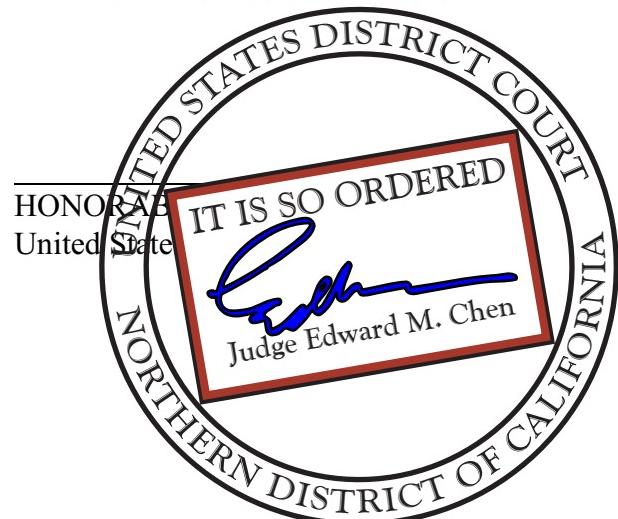
4 Based on the reasons provided in the stipulation of the parties above, the Court hereby
5 **FINDS** that due to the schedule of Mr. McGee's counsel, as well as defendant's need to have
6 continuity of counsel, the ends of justice would be served by granting a continuance of the trial until
7 March 14, 2012. The Court therefore finds that the ends of justice served by granting the requested
8 continuance and exclusion of time "outweigh the best interest of the public and defendant in a speedy
9 trial" under 18 U.S.C. § 3161(h)(8)(A).

11 Based on these findings, **IT IS HEREBY ORDERED THAT** trial is continued to March
12 14, 2012 and time from the signing of this order to and including March 14, 2012 is excluded from
13 the Speedy Trial Act pursuant to sections 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).
14

15 **SO ORDERED.**

16 2/28/12

17 Date



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